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MICHAEL A. CARDODOZ  
Corporation Counsel

May 12

Answer or motion  
advised to a  
date to be  
set at the  
status conference.

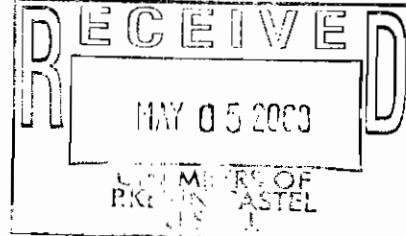
SO ORDERED,  
S. J. Castel, Jr.  
May 5, 2008

THE CITY OF NEW YORK  
LAW DEPARTMENT

100 CHURCH STREET  
NEW YORK, NY 10007

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May 2, 2008



**VIA HAND DELIVERY**

The Honorable P. Kevin Castel  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**MEMO ENDORSED**

Re: Shena Callaghan, et. al. v. City of New York, et al., 07 Civ. 9611  
(PKC)(DFE)

Your Honor:

I am a Senior Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, representing defendant City of New York in the above-referenced matter. I write with respect to the above-referenced matter in which plaintiffs allege that their constitutional rights were violated by defendants in a series of Critical Mass bicycle rides. Defendant City respectfully requests an extension of time to answer or otherwise respond to this complaint from May 12, 2008 to a new date to be determined at the status conference scheduled for May 12, 2008 at 9:45 a.m. or any adjourned date thereof. Plaintiff has consented to this request for an extension of time.

In Your Honor's Memorandum Endorsement of March 12, 2008, Your Honor allowed plaintiffs until April 26, 2008 to serve the individual defendants with a second amended complaint in this matter, calling it the "end of the road." Although it is my understanding that many of the defendants in the second amended complaint were served, on April 24, 2008, plaintiffs asked me to consider consenting to the filing of a Third Amended Complaint. The Third Amended Complaint adds many new plaintiffs and many new defendants. Because the statute of limitations was about to expire as to at least one of the bicycle rides, plaintiffs were prepared to file a new action as to some of the bicycle rides if I did not consent to the amendment. To avoid two separate actions, I gave my consent to the filing (only) of the Third

Amended Complaint. Plaintiffs purportedly filed the Third Amended Complaint on April 29, 2008.

There are now 116 plaintiffs and 116 defendants named in this action. Many defendants who were recently named in the Third Amended Complaint have not been served. Defendant City requests that its answer or time to otherwise respond to this complaint be discussed at the status conference scheduled for May 12, 2008 and a new date for an answer or response be determined.

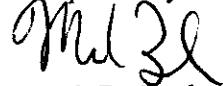
There are several reasons for seeking an enlargement of time in this matter. In accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need time to investigate the allegations of the complaint. Furthermore, it is our understanding that the records of the underlying criminal actions, including police records, may have been sealed pursuant to New York Criminal Procedure Law § 160.50. Therefore, this office forwarded to plaintiffs for execution authorizations for the release of sealed arrest and criminal prosecution records so that defendant can access the information, properly assess the case, and respond to this complaint. I still have not received any of them back despite my numerous requests to plaintiffs' counsel for same.

As discussed above, many of the individual defendants named in the Second Amended Complaint only were very recently served with process. This office has not discussed with these officers the manner of service and we make no representation herein as to the adequacy of service upon them. Decisions concerning this Office's representation of these officers have not yet been made and accordingly, this request for an extension of time is not made on their behalf. However, given the time involved in determining the representation of 115 police officers, and in the interest of judicial economy, we would hope that the court may, *sua sponte*, extend the time to answer on behalf of all defendants. Such would avoid the filing of several separate answers or other responses to the complaint.

Your Honor previously granted the City's request for an extension of time to answer or otherwise respond to the Second Amended Complaint to May 12, 2008. For the reasons stated herein, we respectfully request that defendant City of New York's time to answer or otherwise respond to the Third Amended complaint be discussed at the May 12, 2008 status conference and a response date determined thereat.

Thank you for your consideration herein.

Respectfully submitted,

  
Mark D. Zuckerman  
Senior Counsel

cc: Rose M. Weber, Esq. (Via Facsimile)  
Gideon Oliver, Esq. (Via Facsimile)  
David Rankin, Esq. (Via Facsimile)